

SIMMONS JANNACE DELUCA, LLP

ATTORNEYS AT LAW

43 CORPORATE DRIVE

HAUPPAUGE, NEW YORK 11788-2048

(631) 873-4888

FAX (631) 873-4889

Counsel

Susan B. Jannace  
Ross M. Chinitz

Kevin P. Simmons  
Steven D. Jannace  
Sal F. DeLuca  
Allison C. Leibowitz  
Stacey Ramis Nigro

Sachee N. Arroyo  
Daniel P. Borbet  
Katherine R. Cutrone  
Irina Feferman\*  
Ian E. Hannon  
Sally Kassim-Schaefer  
Michael C. Lamendola\*  
Daniel J. Solinsky

\*Also Admitted NJ  
ΔAlso Admitted CT

March 12, 2020

VIA ECF

Honorable District Judge Jesse M. Furman  
United States District Court  
Southern District of New York  
40 Centre Street  
New York, New York 10007

Re: Campbell, Anya Amanda f/k/a Anya Campbell v. Costco  
Wholesale Corporation  
Civil Action No.: 7:19-cv-07140-JMF  
SJD File No.: 537-9406

Dear Judge Furman:

The undersigned represents Costco Wholesale Corporation ("Costco") in the above-referenced matter. Please allow this to serve as the parties' joint request to temporarily stay discovery and court-ordered mediation in light of potential health concerns arising out of the Coronavirus (COVID-19) Pandemic and an upcoming emergency surgery scheduled for plaintiff's counsel.

The parties scheduled the depositions of Costco witness Angela Crawl and non-party witness Obigail Lindsay for March 16, 2020. In addition, plaintiff began making arrangements to fly his medical expert, Dr. Dean Everett Wright, from Jamaica to Florida or New York for deposition. This put the parties on track to complete all discovery by the current deadline of March 26, 2020.

Since that time, confirmed reports of the Coronavirus have grown throughout the United States. This resulted in both sides

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developing serious concerns about proceeding with the  
aforementioned discovery at this time.

As Your Honor may be aware, there has been a significant cluster of Coronavirus cases in Westchester County resulting in Governor Cuomo ordering a one-mile "containment area" within the City of New Rochelle. Significantly, Ms. Crawl resides in Westchester County and works at the New Rochelle Costco which is close proximity to the restricted area. Ms. Lindsay also resides in Westchester County and provided care to patients in New Rochelle as a home health aide within the last two months.<sup>1</sup>

Furthermore, with respect to plaintiff's expert, it is clear that requiring Dr. Wright to board an international flight and travel to a major metropolitan area is not advisable due to the inherent increased risk of exposure to the virus.

It is the parties' belief that proceeding with depositions would place the attorneys and/or witnesses at an unnecessary health risk. Considering the aforementioned and the recent directive by the Southern District designed to limit exposure to those people at high risk of carrying the virus, it is respectfully requested the Court temporarily stay discovery until a clearer picture on this public health concern develops.

During the initial drafting of this joint application, the parties agreed they would move forward with the court-ordered mediation in early April in hopes the matter could nonetheless be settled despite the outstanding discovery. However, opposing counsel was advised by his doctors yesterday that he must undergo immediate surgery with a subsequent recovery time of at least two weeks. Accordingly, it is respectfully submitted that additional good cause exists to stay discovery, along with the mediation, until such time as counsel has fully recovered.

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<sup>1</sup> Furthermore, Ms. Lindsay is no longer available on March 16, 2020 as her employer directed her to attend a mandatory training class on the Coronavirus.

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Opposing counsel consents to the entirety of the application as outlined herein. Thank you for the opportunity to address the Court in this matter.

Very truly yours,

/s/ Michael C. Lamendola

Michael C. Lamendola (ML-4927)

MCL:

Cc: All counsel via ECF

Application GRANTED. All discovery and mediation deadlines are hereby STAYED in light of the current situation. By **April 10, 2020**, the parties shall file a joint status letter regarding whether the stay should be lifted at that time and, if so, propose a schedule to that effect. The Clerk of Court is directed to terminate ECF No. 35. SO ORDERED.

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', is written over a horizontal line.

March 13, 2020